LF900

(3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 3403 /2004

PETITIONERS : 1. Kamlesh Kumar S/o. Late Khubiram Banchhor, aged about 39 years, resident of Village MohBhatta Post Jamgaon R Dist. (C.G.)

2. Anil Kumar Mandariya S/o Late Ramnarayan Mandariya , aged 25 years , resident of Village& Post Pahandor Dist. Durg (C.G.)

3. Mukesh Kumar Sahu S/o Late Onkar Prasad , aged 34 years, resident of Village Pandar Post Gujra Dist. Durg (C.G.).

4. Tejram Kamdiya S/o Late Mannulal Kamdiya. aged about 31years r/o village Chhanta Post Devada Dist. Durg (C.G.)

5. Rekharaj S/o Late Prakashwan Sahu , aged 40 years, resident of Village & Post TeliGundara Tah Patan Dist. Durg (C.G.).

6.Doman Singh S/o Late Phakira Singh Verma aged about 35 R/o Village Aunser Post Ranitarai Tah Patan Dist. Durg (C.G.)

7. Dinesh Kumar S/o Late Vikram Singh Chakradhar aged about 26 years, r/o Village Khundmudee Post jheet Tah Patan Dist. – Durg (C.G.),.

8. Sunil Kumar S/o Late Chiranjeevlal Chandraker aged about 30 R/.o Village Post Jamgaon M. Tah- Patan Dist. Durg . (C.G.)

9 Navneet Kumar S/o Late Panchuram Prajapati aged about 30 Village Bailahari Tah Patan Dist. Durg

P.R. No. 3231 by 29 Jan 04
Presented by Shri ... Advocate
dated 13/1/04

शपथ आयुक्त
एस.के शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

CERTIFIED COPY
13.9.04
Clerk to A.G. Bilaspur

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh, Through the Secretary Department of Public Instruction Manralay, D.K.S. Building Raipur (C.G.),

(12)

2. The Director,
   Public Instructions, Chhattisgarh,
   Raipur (C.G.)

3. The District Education Officer,
   Durg, Tehsil and District Durg (C.G.).

4. The Chief Education Officer
   Janpad Panchayat, Patan Durg, Tehsil
   and District Durg (C.G.),
5. The Block Education Officer,
   Patan , District Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(30)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3403 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	28/01/2005: - Shri Arun Kochar learned counsel for the petitioners. Shri Yashwant Singh, learned Govt. Adv., for the State/respondents, on advance copy. Heard on I.A. No.7232 of 2004 which is an application for urgent hearing. The matter is taken up on Board. I.A. No.7840 of 2004 stands disposed of. Heard. The petitioners have filed this petition for issuance of a direction to the respondents to regularize their services on regular pay scale of Rs.4,000/- to Rs.6,000/- which according to the petitioners are the pay scale admissible in case of Assistant Teachers. Learned counsel appearing for the petitioners submits that initially, the petitioners were appointed on compassionate ground as they were dependants of the persons working in the government services. Initial orders of appointment have been filed as Annexure-P/1 at page 9 and Annexure-P/2 at page 10. These orders are of the year 1999. Later on, by an order dated 31/01/2004 regular orders were issued to them in the regular pay scale of Rs.800-20-1200 for the post of Shiksha Karmi Grade-III. This common order has been issued under Rule 7 of the Madhya Pradesh Panchayat Shksha Karmi (Bharti Tatha Seva Sharten) Niyam, 1997. The contention of the learned counsel for	

XI-HC—78

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

the petitioner is that appointments of the petitioners have been made on a low pay scale and the petitioners should have been given a pay scale of Rs.4,000/- to Rs.6,000/-. This contention seems to be misconceived on the face of the contents of the document namely order dated 31/01/2004 (Annexure-P/1). This order has been issued under the instructions of the Government Referring Specific Rules and the scale of pay has also been specified which is shown to be admissible for the post on which the petitioners are taken into services. When the petitioners have joined on a particular post which specifies a particular scale of pay, there are no grounds available with the petitioners to claim a higher pay scale on the same post for which they are getting specified pay in accordance with law.

In the facts and circumstances of this case, this Court is of the opinion that the petitioners were appointed on the post of Shiksha Karmi Grade-III on the specified pay admissible for the said post and they cannot claim a higher pay scale then the pay scale admissible in their cases. The petitioners have no cause of action for the relief claimed in the petition. The petition is dismissed summarily.

Sd/-
Sunil Kumar Sinha
Judge

Bajeph.